



House of Representatives

File No. 815

General Assembly

January Session, 2011

(Reprint of File Nos. 243 and 582)

Substitute House Bill No. 6303
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 19, 2011

AN ACT CONCERNING THE TREATMENT OF ILL AND INJURED ANIMALS IN MUNICIPAL ANIMAL SHELTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2011*) (a) Any regional or
- 2 municipal dog pound facility may enter into a contract with one or
- 3 more public or private nonprofit animal rescue organizations for the
- 4 payment by such animal rescue organization of the costs for providing
- 5 treatment by a licensed veterinarian to an injured, sick or diseased
- 6 animal that is impounded at such regional or municipal dog pound
- 7 facility. Such contract shall provide that: (1) No costs associated with
- 8 the provision of such treatment shall accrue to the municipality as a
- 9 result of such contract, (2) the selection of the licensed veterinarian to
- 10 provide such treatment shall be made by the public or private
- 11 nonprofit animal rescue organization that will be responsible for the
- 12 remittance of payment to such licensed veterinarian who provides
- 13 such treatment, (3) the determination of whether an animal is injured,
- 14 sick or diseased and in need of veterinary treatment shall be made by a
- 15 regional or municipal animal control officer who has custody of such

16 animal, provided if any employee or volunteer of such regional or
17 municipal dog pound facility notifies such animal control officer that
18 an animal is injured, sick or diseased and in need of such veterinary
19 treatment such animal control officer shall contact such public or
20 private nonprofit animal rescue organization to arrange for the
21 treatment of such animal by a licensed veterinarian, and (4) not later
22 than twenty-four hours after receipt of a request from such municipal
23 or regional dog pound facility that such public or private nonprofit
24 animal rescue organization arrange for the provision of such treatment
25 to an injured, sick or diseased animal impounded at such facility, such
26 animal rescue organization shall select a licensed veterinarian to
27 provide such treatment and take custody or control of such animal, as
28 applicable, for the purpose of having such licensed veterinarian
29 provide immediate treatment to such injured, sick or diseased animal.
30 Nothing in this section shall be construed to affect any protection
31 provided to any animal pursuant to any statute, regulation or
32 ordinance.

33 (b) Notwithstanding subsection (a) of this section, if any person
34 observes or reasonably believes that a municipal or regional animal
35 control officer failed to provide any animal that is under the custody
36 and control of such animal control officer with proper care, including,
37 but not limited to, veterinary care, such person may file a complaint
38 with the Department of Agriculture's State Animal Control Division.
39 Not later than twenty-four hours after receipt of any such complaint,
40 such division shall take action as the division deems necessary to
41 secure proper care for such animal, except if such complaint is received
42 on a Saturday or Sunday, such action shall be taken on the next
43 business day.

44 (c) Each municipal and regional dog pound facility shall maintain a
45 list of any public or private nonprofit animal rescue organization that
46 notifies such dog pound facility of such animal rescue organization's
47 interest in entering into a contract described in subsection (a) of this
48 section.

49 Sec. 2. Section 22-332 of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective October 1, 2011*):

51 (a) The Chief Animal Control Officer, any animal control officer or
52 any municipal animal control officer shall be responsible for the
53 enforcement of this chapter and shall make diligent search and inquiry
54 for any violation of any of its provisions. Any such officer may take
55 into custody (1) any dog found roaming in violation of the provisions
56 of section 22-364, (2) any dog not having a tag or plate on a collar about
57 its neck or on a harness on its body as provided by law or which is not
58 confined or controlled in accordance with the provisions of any order
59 or regulation relating to rabies issued by the commissioner in
60 accordance with the provisions of this chapter, or (3) any dog found
61 injured on any highway, neglected, abandoned or cruelly treated. The
62 officer shall impound such dog at the pound serving the town where
63 the dog is taken unless, in the opinion of a licensed veterinarian, the
64 dog is so injured or diseased that it should be destroyed immediately,
65 in which case the municipal animal control officer of such town may
66 cause the dog to be mercifully killed by a licensed veterinarian or
67 disposed of as the State Veterinarian may direct. The municipal animal
68 control officer shall immediately notify the owner or keeper of any dog
69 so taken, if known, of its impoundment. Such officer shall immediately
70 notify the owner or keeper of any other animal which is taken into
71 custody, if such owner or keeper is known. If the owner or keeper of
72 any such dog or other animal is unknown, the officer shall
73 immediately tag or employ such other suitable means of identification
74 of the dog or other animal as may be approved by the Chief Animal
75 Control Officer and shall promptly cause (A) a description of such dog
76 or other animal to be published once in the lost and found column of a
77 newspaper having a circulation in such town or that has a state-wide
78 circulation, and (B) a photograph or description of such animal and the
79 date on which such animal is no longer legally required to be
80 impounded to be posted on a national pet adoption Internet web site
81 or an Internet web site that is maintained or accessed by the animal
82 control officer and that is accessible to the public through an Internet

83 search, except such posting shall not be required if: (i) The animal is
84 held pending the resolution of civil or criminal litigation involving
85 such animal, (ii) the officer has a good-faith belief that the animal
86 would be adopted by or transferred to a public or private nonprofit
87 rescue organization for the purpose of placing such animal in an
88 adoptive home even in the absence of such posting, (iii) the animal's
89 safety will be placed at risk, or (iv) such animal control officer
90 determines that such animal is feral and not adoptable. If any animal
91 control officer does not have the technological resources to post such
92 information on an Internet web site as required by subparagraph (B) of
93 this subdivision, such officer may contact a public or private animal
94 rescue organization and request that such organization post such
95 information, at such organization's expense, on a web site that is
96 accessible to the public through an Internet search. To the extent
97 practicable, any such posting by an animal control officer or a public or
98 private animal rescue organization shall remain posted for the
99 duration of such animal's impoundment in the municipal or regional
100 dog pound.

101 (b) If such dog or other animal is not claimed by and released to the
102 owner within seven days after the date of publication, the municipal
103 animal control officer, upon finding such dog or other animal to be in
104 satisfactory health, may have a licensed veterinarian spay or neuter
105 such dog and sell such dog or other animal to any person who satisfies
106 such officer that he is purchasing it as a pet and that he can give it a
107 good home and proper care. The municipal animal control officer may
108 retain possession of such dog or other animal for such additional
109 period of time as he may deem advisable in order to place such dog or
110 other animal as a pet and may have a licensed veterinarian spay or
111 neuter such dog. If, within such period, any dog or other animal is not
112 claimed by and released to the owner or keeper or purchased as a pet,
113 the officer shall cause such dog or other animal to be mercifully killed
114 by a licensed veterinarian or disposed of as the State Veterinarian may
115 direct. Any veterinarian who so destroys a dog shall be paid from the
116 dog fund account. No person who so destroys a dog or other animal

117 shall be held criminally or civilly liable therefor nor shall any licensed
 118 veterinarian who spays or neuters a dog pursuant to this section be
 119 held civilly liable, including, but not limited to, liability for
 120 reconstructive neutical implantation surgery.

121 (c) The town treasurer or other fiscal officer shall pay from the dog
 122 fund account the advertising expense incurred under the provisions of
 123 this section upon receipt of an itemized statement together with a copy
 124 of the advertisement as published. Any person who purchases a dog as
 125 a pet shall pay a fee of five dollars and procure a license and tag for
 126 such dog from the town clerk, in accordance with the provisions of
 127 section 22-338.

128 (d) No regional or municipal dog pound facility, municipality,
 129 regional or municipal animal control officer or public or private
 130 nonprofit animal rescue organization that arranges for the provision of
 131 treatment by a licensed veterinarian to an injured, sick or diseased
 132 animal pursuant to a contract described in section 1 of this act shall be
 133 held civilly liable for such actions unless such actions are performed in
 134 a wanton, reckless or malicious manner. No licensed veterinarian who
 135 provides treatment free of charge or for a reduced fee, to an injured,
 136 sick or diseased animal as a direct result of a contract described in
 137 section 1 of this act shall be held civilly liable for the provision of such
 138 treatment unless such actions are performed in a wilful, wanton or
 139 reckless manner.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2011	New section
Sec. 2	October 1, 2011	22-332

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: See Below

Explanation

It is expected that a municipality that chooses to contract with an animal rescue organization will do so to the extent that local resources are available to defray related administrative costs.

Similarly, it is anticipated that the potential for financial liability related to possible legal challenges alleging wanton, reckless or malicious actions will be factored into the municipality's decision making process prior to entering into this type of contract.¹

No fiscal impact is expected to result from requiring animal control officers to (1) post, or request that an organization post, information concerning a dog or other animal on a national pet adoption web site, and (2) maintain a list of certain animal rescue organizations.

It is anticipated that any additional complaints filed with the Department of Agriculture's Animal Control Division could be handled with existing staff. There are currently eight animal control

¹ Pursuant to CGS Sec. 7-101a(b) a municipality must protect a municipal officer or municipal employee from financial loss and expense, including legal fees and costs, arising out of a claim, demand or suit instituted against such officer or employee alleging a malicious, wanton or willful act or ultra vires act (an action requiring legal authority that is taken without such authority) while acting in the discharge of his duties. Such expenses are to be reimbursed by the officer or employee if a court judgment is subsequently entered against him or her.

officers, including one supervisor.

House "A" strikes the bill and its associated fiscal impact. The amendment's impact is as described above.

The Out Years

State Impact: None

Municipal Impact: See Above

OLR Bill Analysis**sHB 6303 (as amended by House "A")******AN ACT CONCERNING THE TREATMENT OF ILL AND INJURED ANIMALS IN MUNICIPAL ANIMAL SHELTERS.*****SUMMARY:**

This bill authorizes any regional or municipal dog pound to contract with a public or private nonprofit animal rescue organization for the organization to pay a licensed veterinarian to treat an injured, sick, or diseased animal that is impounded. The bill (1) details what a contract must contain and (2) requires each pound to maintain a list of any nonprofit animal rescue organization that notifies it concerning interest in entering into such a contract. The bill specifies that its contract and the treatment provisions do not affect any protection that state law, regulation, or municipal ordinance provide.

By law, a municipality may use a dog pound to shelter other animals that are injured, mistreated, or roaming in a manner that endangers the animal or the public. State regulations require a dog pound to have a licensed veterinarian examine any impounded dog that appears sick or injured (Conn. Agencies Reg. § 22-336-28).

Under the bill, if any person observes or reasonably believes that a municipal or regional animal control officer (ACO) failed to provide any animal under the ACO's custody with proper care, including veterinary care, the person may file a complaint with the Department of Agriculture's State Animal Control Division. The bill requires the division, no later than 24 hours after receiving a complaint, to take action as it deems necessary to secure proper care for the animal. However, if the division receives the complaint on a Saturday or Sunday, it must take action on the next business day.

The bill waives civil liability for actions a municipal pound, municipality, ACO, public or private nonprofit animal rescue organization, or veterinarian take under the bill's contract provisions. But, liability is not waived if any of these entities acts in a wanton, reckless, or similar manner.

The bill also expands and changes how ACOs advertise impoundment of certain animals.

*House Amendment "A" (1) adds provisions (a) requiring pounds to maintain a list of nonprofit organizations, (b) specifying that the bill does not affect existing legal protections, and (c) concerning a person reporting an ACO to the state Animal Control Division and (2) makes changes to civil liability and web posting provisions.

EFFECTIVE DATE: October 1, 2011

CONTRACT

Under the bill, the contract must establish that:

1. the municipality will not become responsible for treatment costs incurred under it;
2. the public or private nonprofit animal rescue organization responsible for payment selects the licensed veterinarian who treats an animal;
3. a regional or municipal ACO who has custody of the animal determines whether it is injured, sick, or diseased and needs veterinary treatment, but if any pound employer or volunteer notifies the ACO that an animal is injured, sick, or diseased and needs treatment, the ACO must contact the organization to arrange treatment; and
4. the nonprofit animal rescue organization must, within 24 hours of a facility's request for treatment, select a licensed veterinarian and take custody or control of an animal, if necessary, to have

the veterinarian treat the animal immediately.

LIABILITY

Under the bill, a regional or municipal dog pound, municipality, municipal or regional ACO, or public or private nonprofit animal rescue organization is not civilly liable for actions taken to have a licensed veterinarian treat an injured, sick, or diseased animal under a contract the bill authorizes. The bill does not provide this protection if these entities act in a wanton, reckless, or malicious manner.

The bill bars civil liability for treatment that a licensed veterinarian provides free or at a reduced fee to an injured, sick, or diseased animal as a result of such a contract. However, civil liability remains if the veterinarian performs these actions in a willful, wanton, or reckless manner.

ADVERTISING IMPOUNDED ANIMALS

Under existing law, an ACO must post a description of an impounded animal whose owner is unknown in a local newspaper. The bill (1) also allows publication in a newspaper that has a statewide circulation and (2) requires posting on a national pet adoption website or website that the ACO maintains or accesses that is accessible to the public (a) a photograph or description of the animal and (b) the date on which it is no longer legally required to be impounded.

The bill does not require website posting if:

1. the animal is held pending the resolution of civil or criminal litigation that involves it;
2. the ACO has a good-faith belief that the animal would be adopted by or transferred to a public or private nonprofit rescue organization for placement in an adoptive home, even without the posting;
3. the animal's safety will be placed at risk; or

4. the ACO determines that the animal is feral and not adoptable.

Under the bill, if an ACO does not have the technological resources to post the information on the web, the officer may contact a public or private animal rescue organization and ask it to post the information on a publicly accessible website at the organization's expense. To the extent practicable, an ACO's or organization's posting must remain up for the duration of an animal's impoundment in the municipal or regional dog pound.

BACKGROUND

Pounds

Each municipality, other than those participating in a regional dog pound, must:

1. provide and maintain a suitable building as a pound, which must be comfortable for the detention and care of dogs and kept in a sanitary condition or
2. provide, through written agreement, for the detention and care of impounded dogs by a licensed veterinarian, veterinary hospital, or commercial kennel; dog pound maintained by another city; or other suitable facility approved by the agriculture commissioner.

Any municipality may use the pound or facility to shelter other animals that are injured, mistreated, or roaming in a manner that endangers the animal or the public (CGS § 22-336).

Legislative History

On April 6, the House referred the bill (File 243) to the Environment Committee, which favorably reported a substitute (File 582) that added the contract provision in place of a requirement for ACOs to arrange treatment for an impounded animal that is ill or injured and a system for nonprofit organizations to arrange treatment when a dog pound could not afford it.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 1 (03/07/2011)

Environment Committee

Joint Favorable Substitute

Yea 23 Nay 0 (04/08/2011)

Judiciary Committee

Joint Favorable

Yea 35 Nay 0 (05/09/2011)